

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

MICHAEL SCHULTZ, JOHN SCALA, HUUB
VAN ROOSMALEN, KIP KIRCHER, ROBERT
H. WAKE and LOUIS SPANBERGER, On Behalf
of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

08-cv-000314-SLC

TOMOTHERAPY INCORPORATED,
FREDERICK A. ROBERTSON, T. ROCKWELL
MACKIE, STEPHEN C. HATHAWAY, PAUL
RECKWERDT, MICHAEL J. CUDAHY, JOHN J.
MCDONOUGH, JOHN NEIS, CARY C. NOLAN,
CARLOS A PEREZ, M.D., SAM R. LENO and
FRANCES S. TAYLOR,

08-cv-000342-SLC

CLASS ACTION

Defendants.

ORDER APPROVING REQUEST FOR ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES

This matter came before the Court for hearing pursuant to the Order of this Court dated September 23, 2010, on the application of the parties for approval of the settlement set forth in the Stipulation of Settlement dated as of July 28, 2010 (the "Stipulation"). Due and adequate notice having been given to the Class as required in the Court's Order, and the Court having considered all papers filed and proceedings held herein and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Order incorporates by reference the definitions in the Stipulation, and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation.

2. This Court has jurisdiction over the subject matter of the Litigation and over all parties to the Litigation, including all members of the Class.

3. Plaintiffs' Counsel in the action are hereby awarded attorneys' fees in the amount of \$ 1,500,000, amounting to 30 % of the Gross Settlement Fund, plus interest on such amount at the same rate as earned by the Gross Settlement Fund from the date hereof to the date they are actually paid to Lead Counsel. Plaintiffs' Counsel are further awarded reimbursement of expenses (including experts' fees and expenses) in the amount of \$ 185,000, plus interest on such expenses at the same rate as earned by the Gross Settlement Fund from the date hereof to the date they are actually paid to Lead Counsel. The foregoing awards of fees and expenses shall be paid out of, and shall not be in addition to, the Gross Settlement Fund at the time and in the manner provided in the Stipulation, and shall be paid to Lead Counsel as provided in the Stipulation. Any and all allocations of attorneys' fees and expenses shall be allocated among Plaintiffs' Counsel at the direction of Lead Counsel at its discretion, who shall apportion the fees and expenses based upon their assessment, in its sole discretion, of the respective contributions to the litigation made by each

counsel. The Court further declares that any appeal of the award of attorneys' fees and reimbursement of expenses shall not prevent the Settlement from becoming effective.

IT IS SO ORDERED.

DATED: March 18, 2011

Stephen L. Crocker
~~THE HONORABLE STEPHEN L. CROCKER~~
UNITED STATES MAGISTRATE JUDGE

Submitted By:

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